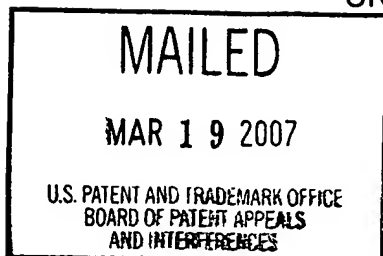


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ARTHUR A. SCHEIN, PAUL ARON, DAN A. DEMETER,
FARAZ ATAIE, FRANK BAMBERGER, JOHN MCGLYNN,
FLORENCE MUSALO, MARGOT PAUL, JOHN POPLIZIO,
LUCILA UCHIE RICO, MICHAEL TSIEN and MICHAEL YORKE

Application No. 09/737,754

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on April 7, 2005. It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§1.97 and 1.98 as the documents on the form 1449 of the IDS have not been initialed or a line drawn through them to indicate non consideration nor has the form been signed and dated as required. Correction is required.

Application No. 09/737,754

Accordingly, it is

ORDERED that the application is returned to the examiner for

- (1) proper consideration of the IDS filed April 7, 2005,
- (2) notification to appellant in writing of such consideration, and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/vsh

cc: KILPATRICK STOCKTON LLP
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